

**REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the remarks herewith.

**I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-16 are currently pending. Claims 1-3 and 9-14 are independent. Claims 1-3 and 9-14 have been amended, thereby obviating the 112 issues.

**II. REJECTIONS UNDER 35 U.S.C. §103**

Claims 1-5, 7 and 9-16 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,263,152 to Hisatomi, et al. in view of U.S. Patent No. 6,055,565 to Inai and in further view of European Patent No. 0858171 A2 to Yonemitsu, et al.

Claims 6 and 15 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Hisatomi, et al. in view of Inai and Yonemitsu, et al. and further in view of U.S. Patent No. 6,813,681 to Kanota, et al.

Claim 8 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Hisatomi, et al. in view of Inai and Yonemitsu, et al. and further in view of U.S. Patent No. 6,570,837 to Kikuchi, et al.

Inai is disqualified as §103 prior art to the present application under the provisions of 35 U.S.C. §103(c). Under the provisions of 35 U.S.C. §103(c), as amended on November 29, 1999, subject matter developed by another person, which qualifies as prior art only under one of more of subsections (e), (f) and (g) of 35 U.S.C. §102, shall not preclude patentability under §103 where the subject matter and the claimed invention were, at the time the

invention was made, owned by the same person or subject to an obligation of assignment to the same person or organization.

Inai and the present application were, at the time the present invention was made, subject to an obligation of assignment to the same organization, i.e., Sony Corporation. Such obligation is evidenced by the recording of assignment documents in the U.S. Patent and Trademark Office.

Accordingly, Inai is disqualified as prior art in a rejection under 35 U.S.C. §103(a); and thus all of the outstanding rejections based upon Inai in the above-noted Office Action are overcome.


Therefore, Applicants submit that the pending claims are patentable.

### **CONCLUSION**

In view of the foregoing and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Please charge any fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,  
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